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UNITED STATES DEPARTMENT OF AGRICULTURE  
Production and Marketing Administration  
Grain Branch  
Washington 25, D. C.

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT  
(January 1, 1948, to June 30, 1948 (161-174))

161. False labeling of oat seed. U. S. v. Dessie L. Kuhlke, William B. Kuhlke, and Eugene M. Kuhlke, doing business as the Consumers' Feed and Seed Company, Augusta, Georgia. Plea of nolo contendere. Fine \$25. (F. S. 474).

The Consumers' Feed and Seed Company, Augusta, Georgia, on or about August 23, 1946, delivered for transportation in interstate commerce from Augusta, Georgia, to Birmingham, Alabama, 381 bags of oat seed.

Information was filed in the District Court of the United States for the Southern District of Georgia alleging that the Consumers' Feed and Seed Company, Augusta, Georgia, did unlawfully deliver for transportation in interstate commerce said shipment of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to the bags bore, in part, the statements, "Victor Grain Oats - Purity 93.20 - Crop 1.04 - Inert .60 - Weeds .16"; whereas, the seed was found to consist of 84.63 percent Victorgrain oat seed, 11.55 percent other crop seed, including 11.45 percent other oat seed, 1.27 percent inert matter and 2.55 percent weed seed.
2. Labels attached to the bags bore, in part, the statement, "Noxious 6. Corn Cockle"; whereas, the seed was found to contain the noxious-weed seeds, Johnson grass, cheat, and curly dock at the rate of 32, 5 and 5 per pound, respectively.
3. A complete record of the origin, purity, and germination of this lot of seed was not kept by the Consumers' Feed and Seed Company for a period of 3 years and was not made available, on request, for the inspection thereof by the duly authorized agent of the Secretary for the purpose stated in section 202 of the act.

On November 7, 1947, Dessie L. Kuhlke, William B. Kuhlke and Eugene Kuhlke, doing business as the Consumers' Feed and Seed Company, Augusta, Georgia, entered a plea of nolo contendere and the Court imposed a fine of \$25.

162. False labeling of white clover and suckling clover seed. Excessive noxious-weed seeds. U. S. v. Nine bags of white clover and suckling clover seed. Seed seized and released to claimant to be brought into compliance with the Federal Seed Act. (F. S. 480).

The Craver-Dickinson Seed Company, Buffalo, New York, on or about November 26, 1946, had delivered for transportation in interstate commerce from New York, New York, to West Monroe, Louisiana, nine bags of white and suckling clover seed.

A libel was filed in the District Court of the United States for the Western District of Louisiana praying seizure of this seed and alleging same to be not labeled as required under the Federal Seed Act and to be prohibited from shipment into the State of Louisiana.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, sheep sorrel and buckhorn plantain, at the rates of 308 and 155 per ounce, respectively, or a total of 7,408 per pound. Agricultural seed containing in excess of 500 of these noxious-weed seeds per pound, singly or collectively, is prohibited in the State of Louisiana and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On July 18, 1947, the seed was released to the claimant to be brought into compliance with the provisions of the Federal Seed Act.

163. False and incomplete labeling of corn seed and failure to keep records. U. S. v. N. Bonahoom Seed Company, Inc., Hastings, Nebraska. Plea of guilty. Fine \$100 and costs. (F. S. 481).

N. Bonahoom Seed Company, Inc., Hastings, Nebraska, on or about May 28, 1946, delivered for transportation in interstate commerce from Hastings, Nebraska, to El Paso, Texas, 830 bags of corn seed.

Information was filed in the District Court of the United States for the District of Nebraska alleging that N. Bonahoom Seed Company, Inc., Hastings, Nebraska, did unlawfully deliver for transportation in interstate commerce said shipment of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to the bags represented the seed to be 98 percent pure seed; whereas, it was found to be 95.01 percent pure seed.
2. Labels attached to the bags represented the seed to have a germination of 87 percent; whereas, the seed was found to have a germination of 51 percent.
3. Labels attached to the bags failed to show the percentage of other crop seed of which 2.59 percent was found to be present, and failed to show a lot number and the origin of the seed as required under the act.
4. A complete record of the origin, purity, and germination of this lot of seed was not kept by the N. Bonahoom Seed Company, Inc., Hastings, Nebraska, for a period of 3 years and was not made available on request for the inspection thereof by the duly authorized agents of the Secretary for the purpose stated in section 202 of the act.

On March 8, 1948, the N. Bonahoom Seed Company, Inc., Hastings, Nebraska, entered a plea of guilty and the Court imposed a fine of \$100 and costs.

164. False labeling of oat seed. U. S. v. Richard L. Gibbs and William J. Midyette, doing business as R. L. Gibbs and Company, Englehard, North Carolina. Plea of nolo contendere. Fine \$100. (F. S. 489).

R. L. Gibbs and Company, Englehard, North Carolina, on or about September 24, 1946, transported in interstate commerce from Englehard, North Carolina, to Danville, Virginia, 250 bags of oat seed.

Information was filed in the District Court of the United States for the Eastern District of North Carolina alleging that R. L. Gibbs and Company, Englehard, North Carolina, did unlawfully transport in interstate commerce said shipment of seed in violation of the Federal Seed Act.

The violation consisted in transporting from Englehard, North Carolina, to Danville, Virginia, 250 bags of oat seed which bore labels representing the seed to have a germination of 90 percent; whereas, the seed was found to have a germination of 52 percent.

On February 13, 1948, Richard L. Gibbs and William J. Midyette, doing business as R. L. Gibbs and Company entered a plea of nolo contendere and the Court imposed a fine of \$100.

165. Failure to label oat seed. Excessive noxious-weed seeds. U. S. v. Hubbard and Palmer, Inc., Fulton, South Dakota. Plea of guilty. Fine \$25. (F. S. 491).

Hubbard and Palmer, Inc., Fulton, South Dakota, on or about March 20, 1947, delivered for transportation in interstate commerce from Fulton, South Dakota, to St. James, Minnesota, one carload of oat seed, in bulk, for seeding purposes.

Information was filed in the District Court of the United States for the District of South Dakota, alleging that Hubbard and Palmer, Fulton, South Dakota, did unlawfully deliver for transportation in interstate commerce said shipment of seed in violation of the Federal Seed Act.

The violation consisted of shipping in interstate commerce from Fulton, South Dakota, to St. James, Minnesota, one carload of oat seed, in bulk, for seeding purposes which was not accompanied by an invoice bearing the various statements required under section 201 of the Federal Seed Act. The seed was found to contain 9 creeping Jenny (field bindweed) seeds in 500 grams. Creeping Jenny seeds are considered noxious-weed seeds in the State of Minnesota. Seed containing creeping Jenny seeds may not be sold in the State of Minnesota and is therefore prohibited from shipment into that State under the Federal Seed Act.

On April 2, 1948, Hubbard and Palmer, Fulton, South Dakota, entered a plea of guilty and the Court imposed a fine of \$25.

166. False and incomplete labeling of red clover seed. U. S. v. M. G. Stoller, Paulding, Ohio. Plea of guilty. Fine \$500 and \$25 costs. (F.S. 492)

M. G. Stoller, also operating as Stollers' Seeds, Paulding, Ohio, on or about January 31 and February 10, 1947, delivered for transportation in interstate commerce from Paulding, Ohio, to Indianapolis, Indiana, 35 bags of red clover seed.

Information was filed in the District Court of the United States for the Northern District of Ohio alleging that M. G. Stoller, Paulding, Ohio, did unlawfully deliver for transportation in interstate commerce said shipment of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to the bags represented the seed to consist, in part, of 99.26 percent pure seed, 0.10 percent inert matter and 0.08 percent weed seed; whereas, the seed was found to consist, in part, of 97.33 percent pure seed, 0.94 percent inert matter, and 1.19 percent weed seed.
2. Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, common plantain and buckhorn plantain, at the rates of 702 and 126 per pound, respectively.

On February 12, 1948, M. G. Stoller, also operating as Stollers' Seeds, Paulding, Ohio, entered a plea of guilty and the Court imposed a fine of \$500 and \$25 costs.

167. False labeling of Dallis grass seed. U. S. v. 80 bags of Dallis grass seed. Seed seized and ordered destroyed. (F. S. 493).

United Seed and Feed Company, Bunkie, Louisiana, on or about October 10, 1947, delivered for transportation in interstate commerce from Bunkie, Louisiana, to Elberta, Alabama, 80 bags of Dallis grass seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of this seed and alleging it to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist of 45.80 percent pure seed and 51.45 percent inert matter; whereas, the seed was found to consist, in part, of 14.19 percent pure seed and 84.78 percent inert matter. The seed was seized by the United States marshal.

On June 25, 1948, the Court ordered the seed destroyed.

168. Hairy vetch seed with excessive noxious-weed seed prohibited from shipment into Tennessee. U. S. v. nine bags of hairy vetch seed. Seed seized and released to the claimant for reshipment to State where sale is allowed. (F. S. 494).

The Buchanan-Collers Grain Company, McMinnville, Oregon, on or about August 26, 1947, delivered for transportation in interstate commerce from McMinnville, Oregon, to McKenzie, Tennessee, 600 bags of hairy vetch seed.

A libel was filed in the District Court of the United States for the Western District of Tennessee praying seizure of nine bags, more or less, of this seed and alleging same to be prohibited from shipment into the State of Tennessee under the Federal Seed Act due to the presence of excessive noxious-weed seeds.

Labels attached to the bags represented the seed to contain the noxious-weed seed, corncockle, at the rate of 36 per pound. Agricultural seed containing in excess of 20 corncockle seeds per pound of hairy vetch seed is prohibited from sale in the State of Tennessee and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On March 8, 1948, the seed was released to the claimant to be shipped into the State of Mississippi where its sale and shipment would not be prohibited.

169. False labeling of lespedeza seed. Excessive noxious-weed seeds. U. S. v. 54 bags of lespedeza seed. Seed seized, recleaned and relabeled to comply with the Federal Seed Act. (F. S. 495).

Sawan, Inc., Columbus, Mississippi, on or about January 22, 1948, transported in interstate commerce from Hamilton, Georgia, to Lafayette, Alabama, 160 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 54 bags, more or less, of this seed and alleging same to be falsely labeled with respect to the rate of occurrence of dodder seeds in violation of the Federal Seed Act and to be prohibited from shipment into the State of Alabama.

Labels attached to the bags represented the seed to contain the noxious-weed seed, dodder, at the rate of 18 per pound; whereas, the seed was found to contain dodder seeds at the rate of 224 per pound. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On April 12, 1948, the seed was released to the claimant to be recleaned and relabeled to comply with the Federal Seed Act.

170. False labeling of lespcdeza seed. Excessive noxious-weed seeds. U. S. v. 20 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 496).

E. K. Hardison Seed Company, Nashville, Tennessee, on or about January 12, 1948, delivered for transportation in interstate commerce from Nashville, Tennessee, to Moulton, Alabama, 20 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act and to be prohibited from shipment into the State of Alabama.

Labels attached to the bags represented the seed to contain the noxious-weed seed, dodder, at the rate of 72 per pound; whereas, the seed was found to contain dodder seeds at the rate of 212 per pound. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Alabama and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On June 15, 1948, no claimant having appeared, the Court ordered the seed destroyed.

171. False labeling of lespedeza seed. U. S. v. Elmer J. Kessler and Walter M. Greene, Jr., doing business as the Old Mill, Lee's Summit, Missouri. Plea of guilty. Fine \$100. (F. S. 499).

The Old Mill, Lee's Summit, Missouri, on or about March 15, 1947, transported in interstate commerce from Lees Summit, Missouri, to Bristow, Oklahoma, 120 bags of lespedeza seed. Information was filed in the District Court of the United States for the Western District of Missouri alleging that the Old Mill, Lees Summit, Missouri, did unlawfully transport in interstate commerce said shipment of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to the bags represented the seed to consist, in part, of 99.06 percent pure seed, 0.82 percent inert matter, and 0.12 percent weed seed; whereas, the seed was found to consist, in part, of 97.55 percent pure seed, 1.36 percent inert matter, and 1.05 percent weed seed.
2. Labels attached to the bags represented the seed to contain the noxious-weed seeds curly dock, bracted plantain and dodder, at the rate of 18, 9, and 9 per pound, respectively; whereas, the seed was found to contain noxious-weed seeds as follows:

curly dock	90 per pound
bracted plantain	180 per pound
dodder	513 per pound
chess	306 per pound
horsenettle	279 per pound

On May 7, 1948, Elmer J. Kessler and Walter M. Greene, Jr., doing business as the Old Mill, Lees Summit, Missouri, entered a plea of guilty and the Court imposed a fine of \$100.

172. Failure to label crested wheatgrass seed. U. S. v. W. B. Johnston Down Town Store, Enid, Oklahoma. Plea of guilty. Fine \$75. (F. S. 500).

W. B. Johnston Down Town Store, Enid, Oklahoma, on or about March 20, 1947, delivered for transportation in interstate commerce from Enid, Oklahoma, to Wagon Mound, New Mexico, eight bags of crested wheatgrass seed.

Information was filed in the District Court of the United States for the Western District of Oklahoma alleging that the W. B. Johnston Down Town Store, Enid, Oklahoma, unlawfully delivered for transportation in interstate commerce said shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags failed to show the detailed information required under section 201 of the Federal Seed Act. The seed was found to consist of 64.5 percent pure seed, 0.4 percent weed seed, 2.5 percent other crop seed, and 32.6 percent inert matter and was found to have a germination of 5 percent.

On June 4, 1948, W. B. Johnston Down Town Store, Enid, Oklahoma, entered a plea of guilty and the Court imposed a fine of \$75.

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173. False labeling of peanut seed, U. S. v. 19 bags of peanut seed. Seed seized and released to the claimant to be processed. (F. S. 501).

Greenwood Products Company, Graceville, Florida, on or about March 22, 1948, transported in interstate commerce from Graceville, Florida, to Abbeville, Alabama, 20 bags of peanut seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 19 bags of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed was found to have a germination of 46 percent. The seed was seized by the United States marshal.

On June 23, 1948, the seed was released to the claimant to be processed for oil purposes.

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174. False labeling of Dallis grass seed. U. S. v. Winnfield J. Christoffel, doing business as the Pelican State Seed Company, Hessmer, Louisiana. Plea of guilty. Fine \$250. (F. S. 502).

Pelican State Seed Company, Hessmer, Louisiana, on or about August 20, 1947, delivered for transportation in interstate commerce from Hessmer, Louisiana, to Danville, Virginia, five bags of Dallis grass seed.

Information was filed in the District Court of the United States for the Western District of Louisiana alleging that the Pelican State Seed Company, Hessmer, Louisiana, did unlawfully deliver for transportation in interstate commerce said shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 65.00 percent pure seed and 34.00 percent inert matter; whereas, the seed was found to consist, in part, of 16.77 percent pure seed and 83.13 percent inert matter.

On June 28, 1948, Winnfield J. Christoffel, doing business as the Pelican State Seed Company, Hessmer, Louisiana, entered a plea of guilty and the Court imposed a fine of \$250.

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